

REMARKS

This amendment is in response to the final Official Action dated November 24, 2008. Claim 20 has been amended, claims 1-19 have been canceled without prejudice or disclaimer, and claims 29-42 have been added; as such, claims 20-42 are now pending in this application. Claim 20 is the independent claim. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. In the amendment, claim 20 has been amended to clarify the features previously recited. New claims 29-42 correspond to canceled claims 5 and 7-19. No new matter has been added by this Amendment.

The title of the invention has been changed from "Electrolytic Solution for use in Electrolytic Capacitor and Electrolytic Capacitor" to --Electrolytic Capacitor--.

Claims 1, 3, and 13 are objected to because of minor informalities. Since applicants have canceled these claims, this objection is moot.

35 USC § 102 Rejections

Claims 1 and 5 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Komatsu (JP 2004/031983). Since applicants have canceled these claims, this rejection is moot.

Claims 1, 3, 7-9, 10-11, 14-20, 27-28 have been rejected under 35 U.S.C. § 102(b) as being as being anticipated by Komatsu (JP 2003/197479 which corresponds to US 2005/0094352, hereinafter referred to as "Komatsu '352"). Applicants respectfully traverse this rejection.

Since applicants have canceled 1, 3, 7-9, 10-11, and 14-19, the rejection regarding these claims is moot.

Claim 20 recites: *[a]n electrolytic capacitor comprising a capacitor element, a case containing the capacitor element, and a sealant with which the case is sealed, the capacitor element comprising a pair of electrode foils each comprising a dielectric, a separator for isolating the electrode foils from each other, and an electrolytic solution filled between the electrode foils, wherein the electrolytic solution comprising a solvent and a solute, wherein water accounts for from*

more than 80% to 100% by weight of the solvent, the solute is selected from a carboxylic acid or a salt thereof and an inorganic acid or a salt thereof, and further comprises one or more compounds selected from a nitro compound, a nitroso compound or a salt thereof, a chelete forming compound or a salt thereof, saccharides, a phosphoric acid compound or a derivative thereof, a watersoluble polymer and a silane coupling agent alone or in combination, and 'the total solute content is from 1.5 to 44% by weight, and in which the content of the carboxylic acid-based electrolytes is within a range from 0.5 to 35% by weight, and wherein the electrolytic solution has a specific resistance at 30°C of 65 Ω cm or less, and the sealant comprising isoprene-isobutylene rubber.

These claimed features are neither disclosed nor suggested by Komatsu '352. Komatsu '352 does not teach the use of isoprene-isobutylene rubber (IIR) as a sealant. Komatsu '352 discloses only use of an elastic sealant in paragraph [0058]. Contrary to this, according to the claimed invention, as described in paragraph [0120] of US 2007/0121276, high gas barrier characteristics and sealant strength can be simultaneously attained as a result of use of IIR.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

“The identical invention must be shown in as complete detail as is contained in the ... claim.”
Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Accordingly, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 102(b) as being anticipated by Komatsu '352 be withdrawn.

35 USC § 103 Rejections

Claims 12-13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of JP 2002/217067. Since applicants have canceled these claims, this rejection is moot.

Claims 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Hayashi et al (EP 0569938, hereinafter referred to as "Hayashi '938").
Applicants respectfully traverse this rejection.

Claims 21-22 depend from and thus incorporate the features of claims 20, which are neither disclosed nor suggested by Komatsu '352, for the reasons stated above.

Hayashi '938 does not remedy the deficiencies of Komatsu '352, as the various features recited above are also absent from Hayashi '938. For example, Applicants' claimed feature of "*the sealant comprising isoprene-isobutylene rubber*," is neither disclosed nor suggested by Hayashi '938.

Hayashi '938 provides a separator for electrolytic capacitors which retains paper tenacity enough to be free of difficulty in the production and handling of condensers, maintains the yield of products giving rise to considerably decreased impedance. A separator for electrolytic capacitors is made of a paper or non-woven fabric which includes a sparingly soluble polyvinyl alcohol fiber as a main fiber and a readily soluble polyvinyl alcohol fiber as a binder binding the main fiber. There is no mention of using isoprene-isobutylene rubber (IIR) as a sealant.

The proposed combination of references and the underlying analysis is also faulty. "A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements [were], independently, known in the prior art." (*KSR International Co. v. Teleflex inc.*, 127 U.S. 1727, 1741, 82 USPQ2d 1385, 1397 (2007); *See also KSR*, 127 U.S. at 1739-1742, 83 USPQ2d at 1395-1396 (analyzing and summarizing *United States v. Adams*, 383 U.S. 39, 128 USPQ 479 (1966), *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 395 U.S. 7, 163 USPQ 673 (1969), and *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 189 USPQ 499 (1976))).

Accordingly, Applicants respectfully request that the rejection of claims 21-22 under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Hayashi '938 be withdrawn.

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of JP 2000/150322. Applicants respectfully traverse this rejection.

Claim 23 depends from and thus incorporates the features of claims 20, which are neither disclosed nor suggested by Komatsu '352, for the reasons stated above.

JP 2000/150322 does not remedy the deficiencies of Komatsu '352, as the various features recited above are also absent from JP 2000/150322. For example, Applicants' claimed feature of "*the sealant comprising isoprene-isobutylene rubber,*" is neither disclosed nor suggested by JP 2000/150322.

Accordingly, Applicants respectfully request that the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of JP 2000/150322 be withdrawn.

Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Takeishi et al (US 6, 031,713, hereinafter referred to as "Takeishi '713"). Applicants respectfully traverse this rejection.

Claim 24 depends from and thus incorporates the features of claims 20, which are neither disclosed nor suggested by Komatsu '352, for the reasons stated above.

Takeishi '713 does not remedy the deficiencies of Komatsu '352, as the various features recited above are also absent from Takeishi '713. For example, Applicants' claimed feature of "*the sealant comprising isoprene-isobutylene rubber,*" is neither disclosed nor suggested by Takeishi '713.

Accordingly, Applicants respectfully request that the rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Takeishi '713 be withdrawn.

Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Komatsu (US 6,349,028). Applicants respectfully traverse this rejection.

Claim 25 depends from and thus incorporates the features of claims 20, which are neither disclosed nor suggested by Komatsu '352, for the reasons stated above.

Accordingly, Applicants respectfully request that the rejection of the claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Komatsu (US 6, 349, 028) be withdrawn.

Claim 26 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Poole (US 4,037,142, hereinafter referred to as "Poole '142"). Applicants respectfully traverse this rejection.

Claim 26 depends from and thus incorporates the features of claims 20, which are neither disclosed nor suggested by Komatsu '352, for the reasons stated above.

Poole '142 does not remedy the deficiencies of Komatsu '352, as the various features recited above are also absent from Poole '142. For example, Applicants' claimed feature of "*the sealant comprising isoprene-isobutylene rubber*," is neither disclosed nor suggested by Poole '142.

Accordingly, Applicants respectfully request that the rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Komatsu '352 in view of Poole '142 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicants believe the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Application No. 10/580,333
Amendment dated February 24, 2009
After Final Office Action of November 24, 2008

Docket No.: AAO-0276

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. AAO-0276 from which the undersigned is authorized to draw.

Dated: February 24, 2009

Respectfully submitted,

By 

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